MEMORANDUM

DATE: March 16, 2016
For March 31, 2016 Hearing

TO: Jim Mazzocco
Zoning Examiner

FROM: Nicole Ewing Gavin, Director
Planning & Development Services

SUBJECT: SPECIAL EXCEPTION LAND USE
PLANNING & AND DEVELOPMENT SERVICES REPORT
SE-16-21 Sr. Jose Women's Center – 7th Avenue, HC-1 (Ward 6)

Issue – This is a request by Jean Fedigan of Sr. Jose Women's Center for approval of a residential care service, specifically a shelter care facility for women as a special exception land use in the HC-1 zone. The special exception site is located on the northeast corner of 7th Avenue and 4th Street (see Case Location Map). The preliminary development plan (PDP) proposes a women's shelter care facility on the 0.28 acre site, which is developed with two (2) 2-story residential structures with a combined floor area of 5,200 square feet. The main structure, fronting 7th Avenue is designated as a contributing historic home built in 1951. The secondary detached structure is not a contributing historic building. The PDP shows no exterior changes to the structures or the grounds in a n existing single-family residential structure, which is currently being used as a treatment center on a 0.28 acre site.

A shelter care facility of this type is allowed in the HC-1 zone subject to Sections 4.9.7.J.1, .3.d, .4 and .8, and 4.9.13.O of the Unified Development Code (UDC), but requires approval through a Zoning Examiner Special Exception Procedure, in accordance with UDC Section 3.4.3, because the site is not located at least 500 from residentially zoned property. A public hearing before the Zoning Examiner is required. The Zoning Examiner will render a decision to grant the use with or without conditions, or to deny the use. The Zoning Examiner may also forward the request to the Design Review Board (DRB) for design review and recommendation.

Planning & Development Services Department Recommendation – The Planning & Development Services Department recommends approval of the special exception request, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Residential rental property

Zoning Descriptions

HC-1: The C-1 zone provides for low-intensity, commercial and other uses that are compatible with adjacent residential uses. Residential and other related uses shall be permitted. The "H" prefix in the zoning classification represents the historic zoning designation of the site and the surrounding neighborhood.

Surrounding Zones and Land Uses:

North: Zoned HC-1; Single-family residential
South: Zoned HC-1; Single-family residential and residentially-scaled office
East: Zoned HR-3; Multi-family residential
West: Zoned HC-1; Single-family residential and residentially-scaled office

Previous Cases on the Property: none

Related Cases (Note: These cases differ in that they are located on designated arterial streets per the City of Tucson Major Streets & Routes Plan):

SE-04-08 Salvation Army – Main Avenue, O-3/C-2/C-3 A special exception land use request to expand the existing shelter care facility on 2.6 acres located on the southeast corner of Speedway Boulevard and Main Avenue. The applicant proposed demolition of the existing shelter care facility and construction of a new 26,415 square foot shelter care facility and 16, one-story transitional family apartments. The Zoning Examiner approved the request on October 7, 2004.

SE-08-17 Gospel Rescue Mission - Miracle Mile, C-2 A special exception land use request to convert an existing motel into a 30-unit rehabilitation and shelter care facility for women and children on 2.36 acres located on the southwest corner of Miracle Mile and 15th Avenue. The Zoning Examiner approved the request on September 11, 2008.

Applicant's Request – The applicant requests special exception approval for an existing residential use to be used as a shelter care facility for women.

Planning Considerations – Land use policy direction for this area is provided by *Plan Tucson* and the *University Area Plan (UAP)* and the *West University Neighborhood Plan (WUNP)*. The special exception site is located within an "Existing Neighborhood", as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing neighborhoods are characterized in *Plan Tucson* as largely built-out residential neighborhoods and commercial districts in which minimal new development or redevelopment is expected in the next few decades.

Plan Tucson policies address integrated land uses that support more effective use of resources, and sensitivity to historic resources and neighborhood character. Policies encourage use of existing neighborhood and area plans as the starting point, undertaking an inclusive public process to explore the concept of developing and implementing planning and service areas to

coordinate and enhance land use planning. *Plan Tucson* policies also encourage the application of guidelines for development review to evaluate and provide direction for special exception applications, preserving and strengthening the distinctive physical character, architecture, cultural heritage, and identity of neighborhoods, considering special zoning districts, such as overlay districts, as a way to promote the reuse and rehabilitation of historic structures.

The *UAP* provides a neighborhood conservation goal to preserve and enhance the historic character and residential quality of life in the University Area neighborhood. Applicable *UAP* policies include utilizing the City's adopted ordinances, plans, and guidelines to protect neighborhood perimeters from the intrusion of incompatible uses, recommending against the granting of parking variances which may produce unacceptable levels of on-street parking, noise, or through-traffic in residential areas, supporting the development of new public and semi-public uses which are compatible with the physical environment and social needs of the University Area residents, and ensuring an adequate supply of high quality public services to meet the current and projected needs of University area residents and businesses.

The *WUNP* contains goals to preserve and enhance the residential character of the West University Neighborhood. Policies include protecting the residential character of established neighborhoods, supporting the continued presence of organizations offering community service and recreational facilities, improving the appearance and quality of the landscape within the West University Neighborhood consistent with the area's historic character, and promoting shared off-street parking, the development of a streetscape improvement programs, and the establishment of landscape buffers between commercial uses and adjacent residential properties.

As defined in the C-1 zone, a Residential Care Service – Shelter Care use with unlimited number of residents requires a special exception procedure if the proposed use is located within 500 feet from the property line to a zoning boundary line of R-3 or more restrictive zoning. The subject property is within 20 feet of the R-3 zoned property to the east.

The special exception site is currently developed with two structures and is located within a local historic neighborhood established in January 1984 as the West University Historic District. The subject property is a historic designated property zoned HC-1 (historic commercial zone).

The conceptual site design and prior land uses recorded indicate the site has been previously used for residentially-scaled behavioral health service/office use, while protecting the historic integrity of the property. To the north are single-family residential uses in the HC-1 zone, to the east across Ferro Avenue are multi-family residential uses in the HR-3 zone, to the south across 4th Street and to the west across 7th Avenue are single-family residences and residentially-scaled office uses in the HC-1 zone.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will not generate significant additional vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the special exception site.

Design Considerations

Land Use Compatibility – The applicant proposes to use the existing structures at the northeast corner of 7th Avenue and 4th Street as a women's shelter care facility. No changes are proposed to the outside of the structures. The PDP shows that sidewalks will be constructed along the 7th Avenue and 4th Street right-of-way adjacent to the property. As proposed, the residential care service women's shelter care use will operate Monday through Saturday, providing services to homeless women of all ages, from the hours of 9:00 a.m. to 5:00 p.m., and will allow overnight stays only as an emergency measure during cold nights. The goal of the shelter care facility is to provide day services for up to approximately 65 guests during the course of a day, with no more than approximately 30 guests at any given time during the day, and to provide seasonal emergency night shelter care services for up to approximately 25 guests during cold weather.

The proposed use of a shelter care facility is supported by land use plan policy, subject to proper mitigation measures established to protect the historic neighborhood and surrounding area, including a private charter school located 100 feet from the site. Staff recommends the applicant provide an Operational Management Plan (OMP) for the shelter care use. The OMP should address such issues as daily operations and objectives of the shelter, outdoor lighting, hours of operation (summer and winter), access to facility, proposed signage, proposed on-site or off-site 24-hour security monitoring, and personnel name and title as 24-hour contact for designated historic neighborhood representative(s). Staff also recommends that the OMP provide a map/illustration to identify the following land uses if located approximately ½ mile from shelter site; city parks, bus routes, bus-stop stations, churches or/an agencies providing community services to the general public, as possible pedestrian migration patterns which may impact the historic residential neighborhoods.

Road Improvements/Vehicular Access/Circulation – Vehicle access to existing on-site parking is from the east through a driveway on Ferro Avenue, a local street. Other streets adjacent to the property, 7th Avenue to the west and 4th Street to the south, are also local streets. The nearest designated major arterial streets on the *Major Streets and Routes Plan Map* are 6th Avenue approximately 200 feet to the east, and Stone Avenue approximately 475 feet to the west.

Use-Specific Standards – The applicant's proposal requires approval as a Zoning Examiner Special Exception Procedure and must meet the Use-Specific Standards of *UDC* Sections 4.9.7.J.1, .3.d, .4 and .8, and 4.9.13.O. The Zoning Examiner may forward the request to the Design Review Board for design review and recommendation. Use Specific Standards include the following items (in *italics*). A response follows each Use Specific Standard:

4.9.7.J.

.1 *A Shelter Care use shall not be less than 1,200 feet, in any direction, from another Shelter Care use. The applicant shall provide documentation demonstrating compliance with this standard prior to the establishment of the use.*

Comment: The applicant will provide documentation to this effect.

.3.d *Care is permitted for an unlimited number of residents.*

Comment: The facility will accommodate varying numbers of guests at any given time.

.4 *If licensing is required by the Stare of Arizona, proof of such licensure shall be provided.*

Comment: The applicant states the facility is licensed and is aware of this requirement.

.8 *The maximum permitted lot coverage is 60%. The minimum required setback from all interior lot lines adjoining residential zoning is 20 feet. The minimum required lot size is one-and-a-half acres, with the following exception: There is no minimum lot size requirement for Residential Care Service Uses in the R-3, C-1, C-2, C-3, OCR-1, and OCR-2 zones.*

Comment: The site meets requirements.

Staff finds the proposal to be in compliance with the *UDC* Use-Specific Standards.

Conclusion – The proposed women's shelter facility is in compliance with the criteria for a shelter care use. The special exception request is consistent with the policies and intent of the *University Area Plan*, the *West University Neighborhood Plan* and *Plan Tucson*, considering the minimal impact on surrounding neighborhoods. Approval of the request is appropriate subject to the attached preliminary conditions.

PROCEDURAL

1. A site plan in substantial compliance with the preliminary development plan dated January 28, 2016, is to be submitted and approved in accordance with *Administrative Manual*, Section 2-06.

2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Special Exception Land Use".

3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.

4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.

5. Three (3) years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.

6. Prior to issuance of certificate of occupancy, a site inspection is required to demonstrate that all conditions of the special exception and operational management plan have been met.

LAND USE COMPATABILITY MEASURES

7. An Operational Management Plan (OMP) is required prior to a site plan approval and issuance of certificate of occupancy. Planning and Development Services Department (PDSD) rezoning staff shall, in consultation with the City of Tucson Police Department, review and approve an OMP. Management of the Sister Jose Women's Center (shelter), shall operate the center to ensure the shelter services for homeless women does not adversely impact adjacent parcels or the surrounding neighborhood, and to ensure the shelter is operated in manner which protects the health, safety, and general welfare of the nearby residents and businesses, while providing residential care service, a shelter for homeless women of the community. The OMP shall remain active throughout the life of the shelter care facility, with any changes subject to review and approval by PDSD rezoning staff, in consultation with City of Tucson Police Department. The OMP shall be based on "Best Practices" and shall include, but not limited to, a security plan, procedures, list of services, staff training, "good neighbor" communication plan, client eligibility and intake and check out process, detailed hours of operation, ongoing outreach plan to the Tucson homeless women's population, and participate in data collection for the Tucson-Pima Collaboration to End Homeless

(TPCH). The residential care service - shelter care at 700 N. 7th Street, Operational Management Plan to include the following details:

a). Provide daily operations schedule that defines objectives of the Sister Jose Women's Center;
b). Hours of operation (summer and winter);
c). Maintain a log that documents the days in which the overnight stays occurred due to inclement weather, provides number of occupants, and a weather description of nights registered with overnight stays;
d) Provide the total number of beds for the shelter care;
e). Applicant/owner shall establish a liaison staff to coordinate with City, Police, School District and Charter School officials, local businesses, and residents on issues related to the operations of the facility;
f). Provide a map that details possible pedestrian migration patterns/routes by shelter care patrons, and identifies the following land uses located within approximately ½ mile from shelter site: city parks, bus-stops, other shelter centers, and churches or/an agencies providing free community services to the general public.
g) The OMP shall address safety and security. The OMP shall describe facility rules and procedures for maintaining a safe environment within and outside of the shelter, including the following:

I. The facility shall establish and enforce a strict code of conduct. Facility rules shall prohibit weapons and the use, sale or distribution of alcohol or illegal drugs. Shelter patrons shall not be allowed to congregate, loiter, or queue in the public right-of-way outside of the facility at any time.
II. Procedures shall be established for responding to emergencies and for incidents including expelling patrons from the facility. Re-admittance policies for patrons who have previously been expelled from the facility shall able established.
III. During operational hours, at least one staff person dedicated solely to shelter security shall be on duty.

8. Shelter care activities shall be conducted within enclosed buildings. Outdoor ancillary uses shall occur within existing screened yard areas, and limited to activities such as; an outdoor waiting area for patrons arriving prior to opening in the morning, cloth lines, gardening, storage of bicycles/carts, and an outdoor smoking area, as may be required by law. All outdoor ancillary uses shall be screened from streets and adjacent properties.

9. Permitted use is for a residential care service – shelter care, to allow up to 65 homeless patrons for day services and up to 25 patrons for overnight stay during inclement weather, subject to building codes certificate of occupancy requirements.

10. Hours of Operation – Monday through Saturday, 9:00 a.m. to 5:00 p.m., except during months in which overnight shelter stay is allowed per the Operational Management Plan.

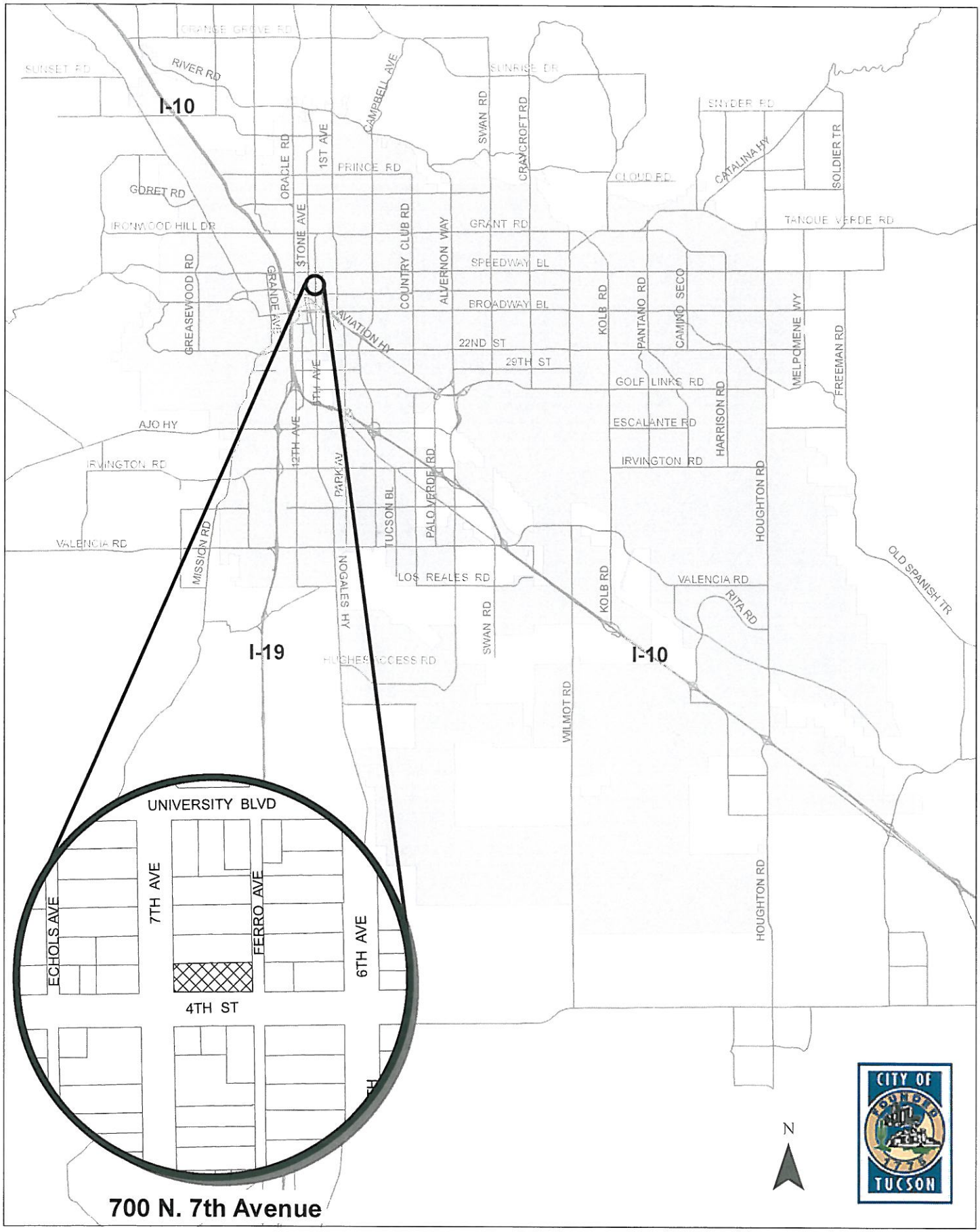
11. All outdoor lighting, including wall mounted lights/security shall be designed to shield adjacent residential development from light spill over.

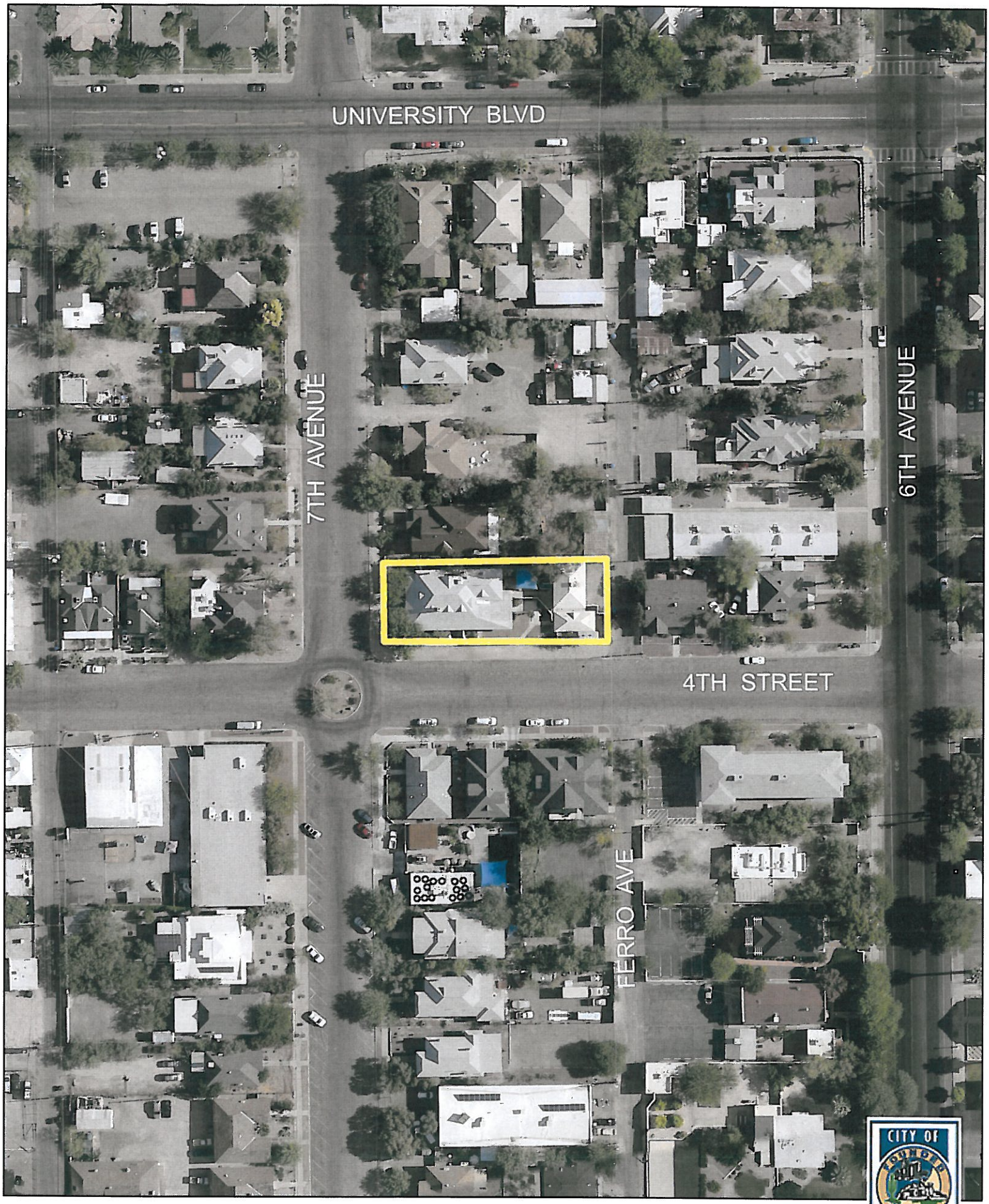
12. The holding place for roll-out trash dumpster(s) shall be located behind existing six foot tall wall, within the southeast corner area of the site.

13. Sr. Jose Women's Center representative shall meet quarterly with the *West University Historic District* during the first twelve (12) months of operation.

14. Provide on-site all weather lockers for personal belongings, and a screened outdoor bicycle/cart secured storage area.

SE-16-21 SR. Jose Womens Center - 7th Avenue





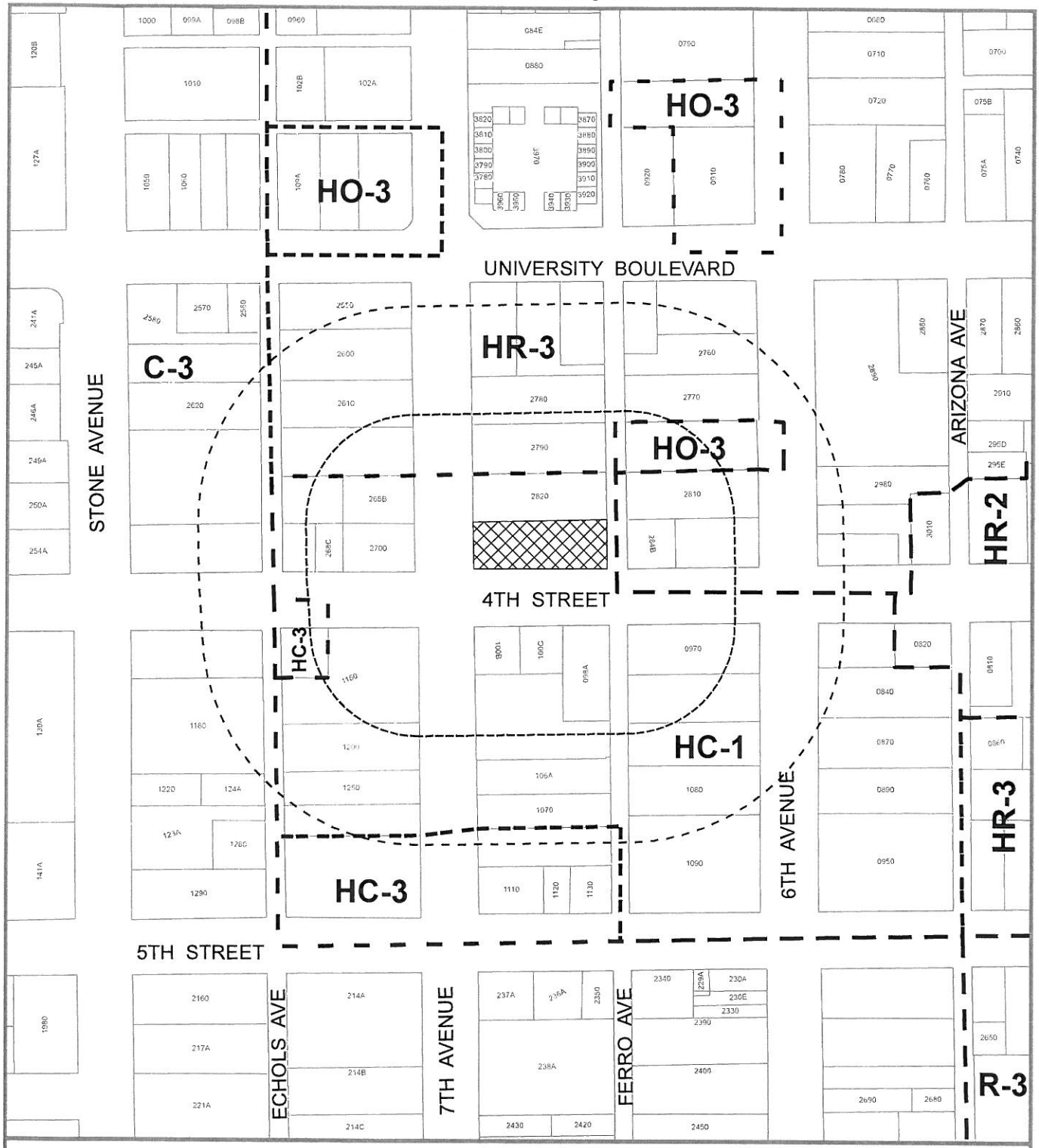
SE-16-21 SR. Jose Womens Center - 7th Avenue
2014 Aerial

0 50 100 Feet
1 inch = 100 feet

N

CITY OF TUCSON

SE-16-21 SR. Jose Womens Center - 7th Avenue
Z.E. Special Exception



Area of Special Exception Request

150' Protest Area

300' Notification Area

Zone Boundaries

HC-1 Zoning of Requested Area

created by: JR, 2/12/2016

Address: 700 N. 7th Avenue
Base Maps: Sec.12 T.14 R.13
Ward: 6

0 100 200 Feet

1 inch = 200 feet

N

PUBLIC FACILITIES AND SERVICES REPORT FOR March 31, 2016
(as of March 7, 2016)

SE-16-21 Sister Jose Women's Center – North 7th Avenue, HC-1 Zone

CITY AGENCIES

Planning & Development Services - Integrated Planning Landscape: See attached comments dated February 22, 2016.
Planning & Development Services – Community Planning: See attached comments dated February 12, 2016.
Planning & Development Services – Zoning Review: See attached comments dated February 26, 2016.
Planning & Development Services – Engineering: See attached comments dated February 3, 2016.
Tucson Water - New Development Section: See attached comments dated February 1, 2016.
Planning & Development Services – Sign Code: See attached comments dated February 25, 2016.
Transportation – Traffic Engineering: See attached comments dated February 4, 2016.

No Objections Noted

Transportation – Engineering
Planning & Development Services – Landscape
Tucson Fire Department
Community Services – Historic Preservation Officer
Environmental Services
Tucson Parks and Recreation
Tucson Police Department

NON-CITY AGENCIES

PAG-TPD: See attached comments dated 3/07/2016
Pima County Transportation and Flood Control: See attached comments dated February 16, 2016
Tucson Unified School District: See attached comments dated February 17, 2016
Arizona Department of Transportation: See attached comments dated February 17, 2016
Pima County Wastewater: See attached comments dated February 18, 2016

No Objections Noted

Pima County Parks and Recreation
Davis - Monthan Air Force Base
Tucson Electric Power

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, March 16, 2016, at https://www.tucsonaz.gov/PRO/pro/AdvancedSearch.jsp use activity number T16SE00021.

Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning & Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

Approvals and protests must have an owner's signature to be recorded.

Case: **SE-16-21 Sister Jose – 7th Street (Ward 6)**
HC-1 Zone

I/We the undersigned property owners, wish to

☐ APPROVE the proposed rezoning.
☐ PROTEST the proposed rezoning.

Reason:

PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: _____ Date _____

Place
Stamp
Here

City of Tucson
Planning and Development Services Department
Rezoning Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

SE-16-21

Expose this flap - Affix stamp and return

City of Tucson MP
Planning and Development Services
Department -Rezoning Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

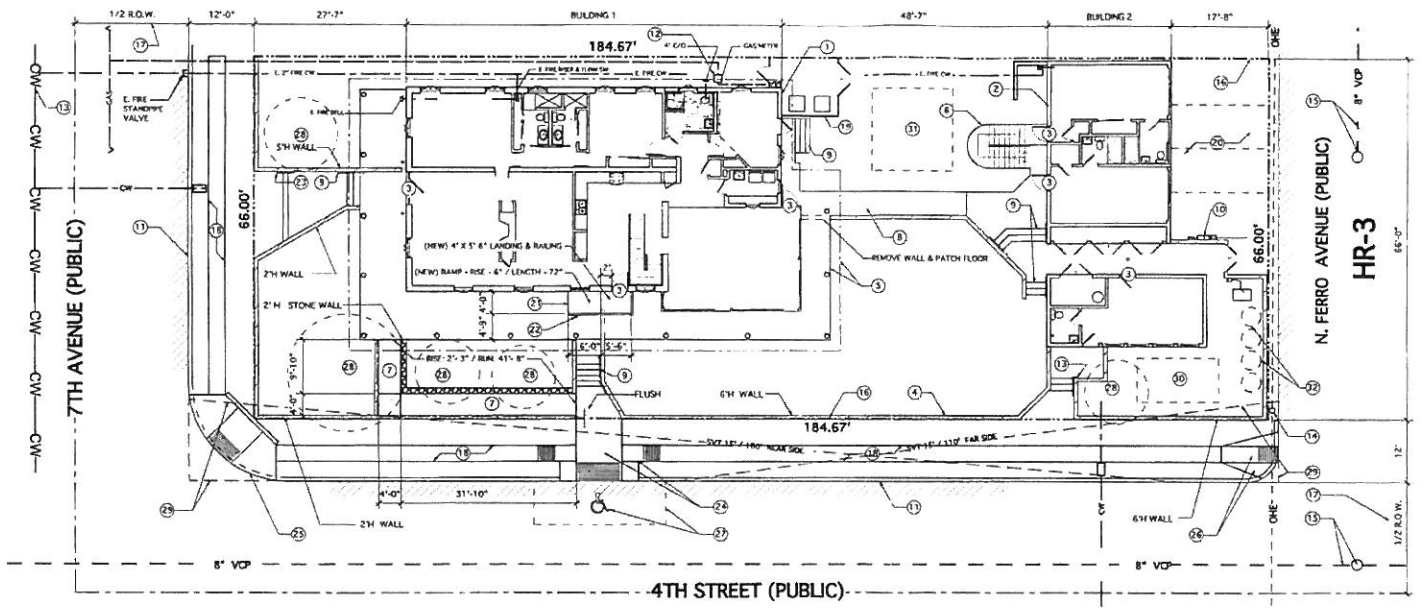
SE-16-21
IMPORTANT REZONING NOTICE ENCLOSED

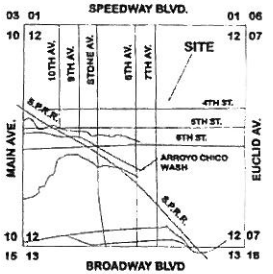
F:\Sharedir\REZONING\Rezoning TEMPLATES\ZE mailout

Sr. Jose Women's Center

Serving Homeless Women in Tucson, AZ, since 2010

HC -1





3" = 1 mile

LOCATION MAP

LOCATED IN THE WEST 1/2 OF SECTION 12, TOWNSHIP 14 S, RANGE 13 E, PIMA COUNTY

PROJECT DATA

JURISDICTION / CODES:	CITY OF TUCSON, UDC / 2012 IBC
PROJECT NAME:	Sr. JOSE WOMEN'S CENTER
ADDRESS:	700 N. SEVENTH AVENUE, TUCSON, AZ
TAX CODE:	117-03-2830
LEGAL DESCRIPTION:	TUCSON, LOT 11, BLOCK 39
ZONING:	HC1
TYPE OF PROJECT:	MINOR REDESIGNATION OF ZONING
EXISTING USE PER IBC:	R4 (CONGREGATE HOUSING) / B (OFFICE)
NEW USE PER IBC:	R4 (CONGREGATE HOUSING) / B (OFFICE)

BUILDING 2012 IBC CODE DATA

EXISTING EXTERIOR STRUCTURES:	FRONT IS 1911 BRICK / REAR IS CMU
EXISTING INTERIOR STRUCTURES:	WOOD FRAME
BUILDING 1 (FRONT) GFA:	3400 SQ. FT.
BUILDING 2 (REAR) GFA:	1810 SQ. FT.
CONSTRUCTION TYPE:	TYPE VB, UN-RATED
OCCUPANCY CLASS:	B / R1
IBC ALLOWABLE AREA:	SEE SEPARATE BUILDING CODE ANALYSIS
REQUIRED SPRINKLERS:	EXISTING NFPA13
ALLOWABLE HEIGHT:	30'
PUBLIC INGRESS-EGRESS:	SEE SEPARATE BUILDING CODE ANALYSIS

Special Exception
Preliminary Development Plan
S.E. -16-21 Date 1/28/16
Planning & Development Services

SITE PLAN

Scale: 1" = 10 ft

KEYNOTES

1. EXISTING STRUCTURAL BRICK BUILDING WALL
2. EXISTING STRUCTURAL CMU BUILDING WALL
3. EXISTING EXITS
4. EXISTING MASONRY SITE WALLN - HGTS SHOWN ON PLAN
5. EXISTING ROOF LINE AND PORCH
6. EXISTING STAIR AND HANDRAILS, 11" TREADS / 7" RISERS
7. EXISTING ACCESSIBLE CONCRETE RAMP AND HANDRAILS.
8. EXISTING CONCRETE SIDEWALK
9. EXISTING CONCRETE STEPS AND HANDRAILS, 10" TREADS / 6" RISERS
10. EXISTING 4160A 3Ø ELECTRICAL SERVICE ENTRANCE (SES). SEE ELECTRICAL
11. EXISTING CONCRETE STREET CURB
12. EXISTING GAS LINE AND METER
13. EXISTING WATER LINE AND METER(S)
14. EXISTING OVERHEAD ELECTRIC
15. EXISTING PUBLIC SEWER AND MANHOLES
16. PROPERTY LINE
17. EXISTING 1/2 PUBLIC R.O.W
18. 3' WIDE PUBLIC SIDEWALK PER SPECIAL EXCEPTION REVIEW LETTER
19. EXISTING SOLID FENCE
20. EXISTING PARKING AREA.
21. RAMP - MAX 1:12
22. POLE LAMP
23. NEW HANDRAIL TO MATCH EXISTING. EXTEND 12" BEYOND TOP AND BOTTOM RISER. INSTALL @ 36" ABOVE NOSING. HANDRAILS SHALL BE INSTALLED PER IBC SECTION 1012, WITH GRASPABILITY PER SECTION 1012.3
24. ACCESSIBLE CURB ACCESS RAMP PER C.O.T. PUBLIC WORKS DET. #207 5 OF 5
25. CURB ACCESS RAMP PER C.O.T. PUBLIC WORKS DET. #207 1 OF 5
26. CURB ACCESS RAMP PER C.O.T. PUBLIC WORKS DET. #207 4 OF 5
27. ACCESSIBLE PARKING SPACE WITH PAINTED ACCESSIBILITY SYMBOL PER C.O.T. STANDARD DETAILS
28. EXISTING TREE - PRUNE ALL CANOPY LESS THAT 6' FROM GRADE WITH SITE VISIBILITY TRIANGLE
29. SITE VISIBILITY TRIANGLE WITH 13' AASHTO STD. STEM
30. EXISTING SHED
31. EXISTING PLAYGROUND EQUIPMENT AND CANOPY
32. TRASH / RECYCLE STORAGE AREA - (2) EACH 95 GAL. CONTAINERS PER TSM 8-01 4.0 FOR ROLL OUT CURB SIDE PICK UP AND PER ESD APPROVAL

H. J. KRZYSIK ARCHITECT
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TUCSON, AZ. 85710
(520) 327-4846
www.HJKarchitect.com

Sr. JOSE WOMEN'S CENTER
PRELIMINARY SITE DEVELOPMENT PLAN

SITE

ISSUE DATE 01/08/2016

Sheet No. P1